

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3

4
5 ALLAN CHIOCCA,

6 Plaintiff

7 vs.

C.A. No. 1:19-CV-10482-WGY

8 THE TOWN OF ROCKLAND, DEIDRE HALL,
9 EDWARD KIMBALL, LARRY RYAN, MICHAEL
10 MULLEN, JR., MICHAEL O'LOUGHLIN,
11 RICHARD PENNEY AND KARA NYMAN,

12 Defendants
13
14

DAY 1

15 VIDEOTAPED DEPOSITION OF ALLAN R. CHIOCCA

16 MONDAY, JULY 12, 2021

17 10:19 a.m. - 4:51 p.m.

18 BURNS & LEVINSON LLP
19
20
21
22

23 Reported by: Sandra A. Deschaine, CSR, RPR,

24 CLR, CRA

25 Job No. 33185

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 18

1 A. The only Facebook account that I
2 believe I've used in that time frame is one
3 is what I've called an alter ego, so to
4 speak, but Vinny Blutarsky.

5 Q. Okay.

6 A. And that is --

7 Q. Done?

8 A. No. Primarily just because it's a
9 small number of people.

10 Q. Have you provided the -- your
11 Facebook postings from Vinny Blutarsky to
12 your counsel?

13 MS. HALEM: Objection.

14 A. I do not recall doing that.

15 BY MS. ZUCKER:

16 Q. Okay. Have you, in answering
17 interrogatories about your presence on social
18 media, have you confessed that you call
19 yourself Vinny Blutarsky on Facebook?

20 MS. HALEM: Objection.

21 A. In answering what?

22 BY MS. ZUCKER:

23 Q. In answering interrogatories.
24 Asking about your social media accounts, have
25 you --

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 19

1 A. I have never kept it a secret.

2 Q. Okay. Who is -- what is
3 Blutarsky?

4 A. It's a made up name probably going
5 back to a poster I had in college.

6 Q. And it references Animal House,
7 right?

8 A. Yes.

9 Q. Okay. And who in Animal House
10 does it reference, this alter ego of yours?

11 A. It's a poster that we had on the
12 wall at my -- if you want to call it man
13 cave, of the lead character in that -- what
14 was his name, Bluto.

15 Q. Bluto. Yeah. So you have an
16 alter ego Facebook page that's driven from a
17 person you had in a man cave when you were
18 younger; is that right? Do I understand that
19 correctly?

20 A. Yes.

21 Q. Okay. And if I understand it
22 correctly, you've got posts there on that,
23 among others, of you standing -- of you
24 sitting shirtless at a reception desk. Do
25 you remember that post?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 21

1 BY MS. ZUCKER:

2 Q. You don't remember that picture,
3 okay.

4 What about a picture of a young
5 woman on a bed?

6 A. No.

7 Q. But you -- that's your alter ego
8 Facebook account, right?

9 MS. HALEM: Objection.

10 BY MS. ZUCKER:

11 Q. Vinny Blutarsky?

12 A. Vinny Blutarsky is a name I use on
13 Facebook with family and friends.

14 Q. Okay. Do you remember writing
15 about searching for the Fountain of Youth in
16 your alter ego Facebook account?

17 A. No.

18 Q. Speaking of the Fountain of Youth,
19 you do not have any diagnosed medical
20 condition that requires Cialis, do you?

21 A. I told my doctor there was an
22 issue, and my doctor prescribed Cialis.

23 Q. You don't ever list it in any of
24 your medical records, from 2015 to today, as
25 a medical condition, do you?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 171

1 night you got pulled over?

2 A. I certainly had more the night I
3 got pulled over.

4 Q. Okay.

5 A. Five drinks over three hours.
6 Ultras, I believe, is within the chart.

7 Q. All right. So are you worried
8 with five drinks in three hours that you
9 might be a little bit drunk and shouldn't get
10 behind the wheel?

11 A. No.

12 Q. Now, when you say there were two
13 bills, you mean there were two receipts?

14 A. Yes.

15 Q. Okay. Now, at some point Ms. Hall
16 asked to use your phone, right?

17 A. Yes.

18 Q. Do you know why?

19 A. I do now. She wanted to call --

20 Q. No, no -- let me --

21 A. I'm sorry.

22 Q. At the -- let me -- at the time
23 what did she tell you?

24 A. I don't remember exactly what she
25 told me.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 331 85
Page 178

1 MS. HALEM: Objection.

2 A. I would say no, and certainly
3 never intentionally.

4 BY MS. ZUCKER:

5 Q. Okay. Now, if you were
6 uncomfortable that evening, you could have
7 gotten up and left, right? Right then and
8 there?

9 A. God, I wish I did.

10 Q. Pardon?

11 A. I wish I did.

12 Q. And you could have, correct?

13 A. I imagine I could have.

14 Q. Okay. And you didn't?

15 A. I did not.

16 Q. And when she spoke to you, as you
17 allege -- when she allegedly spoke to you
18 about, you know, her marriage, you stayed
19 put, didn't you?

20 A. I did.

21 Q. And you continued to drink, didn't
22 you?

23 A. Well, I had the few beers that I
24 said I had.

25 Q. Well, I think you said five?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 184

1 And somewhere on the second wine she -- it
2 seemed weird, but she rubbed my leg, you
3 know, with her foot. And I'm -- you know,
4 maybe we're too close. I slide. And then,
5 you know, she continued. She's talking about
6 all this stuff, and I just said, you know,
7 I'm not your guy.

8 Q. Okay.

9 A. I'm not...

10 Q. And was this "I'm not your guy"
11 thing happening before or after you closed
12 out that first tab and opened a second one?

13 A. I think it was happening before
14 the first tab was closed out.

15 Q. Okay. All right. And when you
16 closed out the tab, you could have gotten up
17 and left?

18 A. Yes.

19 Q. And you chose to stay?

20 A. I stayed.

21 Q. Okay. And then -- and then what
22 happens next? Do you have any conversation
23 with her other than you're now remembering
24 I'm not your guy? Other than that, tell me
25 anything you said during those two, three

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 189

1 BY MS. ZUCKER:

2 Q. Correct.

3 A. I want to be specific in what I
4 said.

5 Q. I very much appreciate that.

6 A. -- but I don't remember the
7 specific.

8 Q. Okay.

9 A. So, generally, that's what we
10 talked about, and we talked about that for a
11 while.

12 Q. And what did you say,
13 participating in that conversation, beyond
14 what you have already told me? Do you
15 remember anything else?

16 A. I knew Ed wouldn't be happy. I
17 wondered about -- no --

18 THE REPORTER: I'm sorry. I
19 wondered about?

20 A. No. I just -- specifically, no.

21 BY MS. ZUCKER:

22 Q. Okay. And so what did you order
23 for food after you closed out the tab and got
24 another tab?

25 A. I believe the tab shows that we

1 got shrimp skewers and chicken wings.

2 Q. Okay. Who ordered -- who ate the
3 chicken wings?

4 A. I do not remember.

5 Q. Who ate the --

6 A. I'm guessing I went for the
7 chicken wings.

8 Q. -- shrimp skewers?

9 So you didn't go for the shrimp?

10 A. I'm guessing.

11 Q. No, I'm not asking you to guess.
12 What do you remember about what you ate?

13 A. You asked me -- well -- I
14 apologize.

15 Q. What do you remember of what you
16 ate? I'm not asking for your guess. I'm
17 asking for a very specific memory.

18 A. It must not have been that
19 memorable a meal.

20 Q. So you don't remember what you
21 ate?

22 A. No.

23 Q. Do you remember how long it took
24 you?

25 A. I have sometimes had bouts of

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 191

1 gout. So I tend to avoid shrimp. I'm
2 assuming I had the chicken.

3 Q. Okay. And how big was the chicken
4 plate?

5 A. I think it's usually six wings.

6 Q. Okay. So you ate your six wings.
7 And what did you drink with that? Another
8 couple of beers?

9 A. I think one beer.

10 Q. Okay. So -- and at that point
11 food is gone; drink is gone. Did you go
12 home?

13 A. Wanted to.

14 Q. Well, sir --

15 A. Didn't. She didn't want -- want
16 to go home. She asked to drive around for a
17 while.

18 Q. Let me ask you a question.

19 A. I thought you did.

20 Q. Did you have the ability to get up
21 and leave the bar and grill, go to your car
22 and go home?

23 A. Yes.

24 Q. You chose not to do that; isn't
25 that right?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 192

1 A. Yes.

2 Q. You also had the ability, if she
3 couldn't drive, because she was too
4 inebriated, to take her home, correct?

5 A. Or I could have called the --

6 Q. Correct?

7 A. Yes.

8 Q. And you didn't do that either, did
9 you, sir?

10 A. No.

11 Q. And you understood that she was
12 inebriated at this point?

13 A. No.

14 Q. You didn't?

15 A. No.

16 Q. Okay. And you then drove to the
17 Banner; am I right?

18 A. We -- she did not want to go home.

19 Q. I mean, where did you -- where did
20 you drive?

21 MS. HALEM: I'm sorry. No.

22 You've --

23 BY MS. ZUCKER:

24 Q. I'm asking for your conduct.

25 We'll get -- we'll back up.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 331 85
Page 195

1 Q. And at some point the two of you
2 park at the Banner, correct?

3 A. Yes.

4 Q. And you wanted to go in and get
5 another drink, didn't you?

6 A. No.

7 Q. Okay. The Banner was still open,
8 wasn't it?

9 A. I do not -- I think it was, but I
10 didn't want to go in. I wanted to go home.

11 Q. Well, sir, do you remember whether
12 or not the Banner was open at the time you
13 parked there?

14 A. I believe it was.

15 Q. Okay. And --

16 A. The lights were on.

17 Q. Okay. And did you intend to go
18 in?

19 A. No.

20 Q. You just somehow find your --
21 found your way to another bar that just
22 happened to be open so that you could sit
23 there?

24 MS. HALEM: Objection.

25 /

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 331 85
Page 1 96

1 BY MS. ZUCKER:

2 Q. Is that -- is that what you did?

3 A. If you let me answer.

4 Q. Is that what you did? Yes or no.

5 A. We drove around and then we parked
6 in a very public place.

7 Q. Okay. And what did you do once
8 you parked in that very public place?

9 A. Talked some more. She was
10 distraught. Did not want to go home.

11 Q. Okay.

12 A. She kept talking about almost the
13 same conversation that we had. She was
14 rubbing my arm, rubbing my leg, and I told
15 her the same thing. At one point, she said,
16 you know, I vote on your contract. She --
17 over the course of the evening, on more than
18 one occasion, talked about, and I don't want
19 to use the phrase again, but that she liked
20 to and wanted to suck cock.

21 Q. Okay.

22 A. I apologize.

23 Q. Okay. And at any time, when you
24 were sitting there in the Banner, what did
25 you say back to her? Did you say anything

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 199

1 Q. If she needed to go to the
2 bathroom, let's get her home. Isn't that --
3 wouldn't that have been a good way to end the
4 evening?

5 A. If she wanted to go to -- if she
6 wanted to go home, I would have been happy to
7 take her there.

8 Q. Well, sir, I'm asking you a
9 different question.

10 If she needed to go to the
11 bathroom so badly, you'll agree with me, that
12 was a great opportunity to say, you know
13 what, Deirdre, you're right down the road,
14 I'm going to drop you at home.

15 Did you do that?

16 A. I did not do that.

17 Q. Did you even propose taking her
18 home at that point?

19 A. I do not remember that. Nope --
20 no.

21 Q. Well, sir, you didn't do that, did
22 you?

23 A. I don't believe I did.

24 Q. Okay.

25 A. Her car was uptown. Her car was

1 at the Rockland Bar & Grill.

2 Q. Well, you'll agree with me, sir,
3 she could have gone back to her -- she
4 could've either walked or had her husband
5 drive her back to the bar and grill the next
6 morning, right?

7 A. Sure.

8 Q. Okay. So when she's there and
9 she's saying, gosh, I got to go to the
10 bathroom --

11 A. Right.

12 Q. -- it's a great opportunity -- if,
13 in fact, this is what's going on -- for you
14 to say, you know what, we're real close to
15 your home, that's the nicest bathroom, let me
16 take you there. And you did not do that, did
17 you?

18 A. She did not ask to go there.

19 Q. Well, sir, you didn't take the
20 opportunity to get her home, did you? No.

21 A. She didn't want to go there.

22 Q. Sir, did you take --

23 A. Did I? No.

24 Q. -- the opportunity to get her --

25 A. No.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 201

1 Q. -- home or not? Yes or no?

2 A. No.

3 Q. Okay. So now, instead of that,
4 you go to town hall, right?

5 A. Yes.

6 Q. And when you arrive at town hall,
7 why don't you park right up front?

8 A. Force of habit. The closest
9 parking for me is -- it's where I always
10 parked, I guess. I always park at that spot
11 and go in.

12 Q. You never park closer?

13 A. No, it's kind of my spot.

14 Q. Okay. So you park in your spot
15 and you go around and open the door for her;
16 isn't that right?

17 A. I do not remember.

18 Q. Huh?

19 A. I don't remember.

20 Q. You don't remember what you did?

21 A. I don't remember going around and
22 opening the door for her.

23 Q. Okay. All right.

24 Now, before you went to town hall,
25 I think we've established that you didn't

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 204

1 Q. Okay. And I'm not asking what was
2 in your mind but --

3 A. Right.

4 Q. -- you're -- you were with it
5 enough to remember what the codes were at
6 town hall, right?

7 A. Sure.

8 Q. Yeah. So you were not drunk?

9 A. Nope.

10 Q. So you pushed the code so that you
11 could go in, right? You go to the bathroom.
12 She comes out. You see that she's a little
13 unsteady and she's got her hands in her
14 head [sic], right, at that time?

15 MS. HALEM: Objection.

16 BY MS. ZUCKER:

17 Q. Correct?

18 A. I don't believe she was unsteady.
19 I know she was distraught. She did not want
20 to go home and --

21 Q. Okay.

22 A. -- deal with her issue with Ed and
23 her husband.

24 Q. Now, you didn't sit down right in
25 that public space to talk with her further so

1 THE VIDEOGRAPHER: Going off the
2 record. The time is 2:59.

3 (Recess taken at 2:59 p.m. to 3:00 p.m.)

4 THE VIDEOGRAPHER: We're back on
5 the record. The time is 3:14.

6 MS. ZUCKER: Thank you.

7 BY MS. ZUCKER:

8 Q. Before we get back into that
9 evening, who is Charles Levin? Do you know a
10 Charles Levin?

11 A. Charlie Levin is my son-in-law and
12 it's John Levin it's Charlie charlie. So are
13 you close to Charlie.

14 A. He's my son-in-law.

15 Q. Well, there's sons-in-law and
16 sons-in-law.

17 Are you close to him?

18 A. Yeah, I don't see him often, but I
19 see him.

20 Q. And do you remember having a
21 conversation with him the evening of May 1st?

22 A. The evening of May 1st? No. Do I
23 remember if I had conversations with him,
24 yes. The conversation on May 1st, I don't
25 remember.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 207

1 Q. Do you remember getting any calls
2 or making any calls in the late evening of
3 May 1st?

4 A. Do I remember? No.

5 Q. Now, it was -- fair to say that
6 you don't remember asking Charlie, hey,
7 Charlie, here's what I want you to do. I
8 want you to call my phone in a couple minutes
9 to tell me there's an emergency so I can get
10 home?

11 A. No.

12 MS. HALEM: Objection.

13 BY MS. ZUCKER:

14 Q. No. You didn't do that, did you?

15 A. No.

16 Q. And you don't even remember that
17 you spoke to him that evening, right?

18 A. Not specifically, no.

19 Q. And you don't have any memory of
20 suggesting to him or to anyone else that
21 evening that you wanted their help sort of to
22 get you out of the awkward situation?

23 A. No.

24 Q. And you didn't tell Charlie that
25 evening that you were in any awkward

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 208

1 situation, did you?

2 MS. HALEM: Objection.

3 A. No.

4 BY MS. ZUCKER:

5 Q. Have you looked at your phone
6 records from that night, sir?

7 A. Recently, no.

8 Q. Have you noted that there's a call
9 to Charlie Levin at 10:13 that evening?

10 MS. HALEM: Objection.

11 A. No.

12 BY MS. ZUCKER:

13 Q. And you've got nothing to say to
14 us about what the contents of that, I think
15 it was six-minute, call was?

16 A. No.

17 Q. And I think my wonderful colleague
18 just corrected me. It was a brief call.
19 It's a one-minute call.

20 You have nothing to suggest any
21 memory of what that one-minute call was
22 about?

23 A. Did I make the call, or did he
24 make the call? I have --

25 Q. You don't have any memory one way

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 211

1 Q. Okay. So fair to say, sir, that
2 at no time during the evening of May 1st did
3 you reach out to anybody to help you get out
4 of this -- of a circumstance?

5 MS. HALEM: Objection. I'm so
6 sorry. Did you say on the night of
7 May 1st or you said after May 1st?

8 MS. ZUCKER: Yes.

9 BY MS. ZUCKER:

10 Q. On the night -- on -- at any time
11 the night of May 1, did you call anyone to
12 help you get out of the circumstance?

13 A. No.

14 Q. And it's fair to say, sir, isn't
15 it, that there were moments where you were
16 outside of Ms. Hall's presence, correct?

17 A. I don't remember when, but...

18 Q. Well, let's see.

19 A. I thought --

20 Q. After you put her in a place where
21 there were no cameras --

22 A. I didn't put --

23 Q. -- right, in your office --

24 A. Excuse me.

25 MS. HALEM: We're doing that thing

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 216

1 Q. Okay. I'm asking --

2 A. Unless you use my phone as a
3 corkscrew.

4 Q. Okay. So you never said to
5 anybody that that was -- that it's possible
6 that it was a corkscrew?

7 MS. HALEM: Objection.

8 A. It was not.

9 BY MS. ZUCKER:

10 Q. Okay. So you go and get your
11 phone, right, from your car?

12 A. Yes.

13 Q. Okay. When you get the phone from
14 the car, do you call -- you know, kind of
15 like playing lifeline, do you call some
16 family member -- I don't know, Charlie or
17 somebody else -- and say, look, I'm really in
18 a tight spot, what I want you to do is in
19 about five minutes call me and tell me
20 there's some emergency that I've got to get
21 out to?

22 Do you do that?

23 MS. HALEM: Objection.

24 A. No.

25 /

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 217

1 BY MS. ZUCKER:

2 Q. Did you reach out to anyone to
3 help you get out of this spot?

4 MS. HALEM: Objection.

5 A. No.

6 BY MS. ZUCKER:

7 Q. Okay. Instead you went in and you
8 poured more wine, right?

9 A. At the direction of Ms. Hall. She
10 wanted the bottle open.

11 Q. And you have --

12 A. She's my boss.

13 Q. -- no capacity at this point --
14 you've lost all capacity to walk out?

15 MS. HALEM: Objection.

16 A. No.

17 BY MS. ZUCKER:

18 Q. You haven't, right? You could
19 still walk out?

20 A. Yes.

21 Q. And you could have gotten on the
22 phone and say, look, this woman, she's a
23 little awkward, she's obviously distraught --
24 that's the way you've been describing her --
25 and so I need to figure out how to get her

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 218

1 home.

2 You didn't look for anybody
3 else --

4 A. I thought --

5 Q. -- to help you, did you?

6 A. I thought I had --

7 Q. Did you? Did you? Yes or no,
8 sir.

9 A. I'm trying to answer your
10 question.

11 Q. No, but did --

12 A. Did I --

13 MS. HALEM: Objection. Let him
14 answer the question.

15 MS. ZUCKER: No, well, I need him
16 to answer with what he did or did not
17 do.

18 A. I did not.

19 BY MS. ZUCKER:

20 Q. Okay. And you also -- by the way,
21 I think you said that after you were arrested
22 2011, one of the people you called for a
23 lifeline and some advice in that circumstance
24 was John Clifford, right?

25 A. I do not remember. Probably in

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan ChioCCA July 12, 2021

Job 331 85
Page 220

1 have your phone.

2 Do you think of calling the chief
3 of police and saying, geez, here I am, it's a
4 really tough spot, what do I do?

5 A. No.

6 Q. Okay. So you don't reach out to
7 any of these confidantes of yours whom you
8 called when you were in a bad spot in 2011,
9 to say, hey, man, can you help; do you?

10 A. No.

11 Q. All right. And you don't reach
12 out to Charlie, whom you were just in touch
13 with, your son-in-law?

14 A. I don't remember the call.

15 Q. Okay. So instead, you decide to
16 go back in --

17 A. What time was that call? Can I
18 ask?

19 Q. 10:13.

20 A. Okay.

21 Q. Instead, you decide to go back in,
22 right?

23 A. So at 10:13 we would have still
24 been at the Rockland Bar & Grill.

25 Q. Oh, okay.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 222

1 that night and ask them for help?

2 A. You have my phone records.

3 Q. Did you call any of them?

4 A. No.

5 Q. And you were aware, weren't you,
6 that, by your own description, Ms. Hall was
7 distraught that evening?

8 A. Yes.

9 Q. And you understand, don't you,
10 that, as the town administrator, you have
11 some responsibility to maintain the decorum
12 and reputation of your town, right?

13 A. Yes.

14 Q. And your responsibility to
15 maintain the decorum of that town -- of that
16 town, at no point led you to think I'd better
17 get her home?

18 A. She was distraught --

19 Q. No. Yes or no. Yes or no.

20 A. I'd better get her --

21 MS. HALEM: Objection. Let him
22 answer the question.

23 BY MS. ZUCKER:

24 Q. Yes.

25 A. I'd better get her home? No.

1 that night and ask them for help?

2 A. You have my phone records.

3 Q. Did you call any of them?

4 A. No.

5 Q. And you were aware, weren't you,
6 that, by your own description, Ms. Hall was
7 distraught that evening?

8 A. Yes.

9 Q. And you understand, don't you,
10 that, as the town administrator, you have
11 some responsibility to maintain the decorum
12 and reputation of your town, right?

13 A. Yes.

14 Q. And your responsibility to
15 maintain the decorum of that town -- of that
16 town, at no point led you to think I'd better
17 get her home?

18 A. She was distraught --

19 Q. No. Yes or no. Yes or no.

20 A. I'd better get her --

21 MS. HALEM: Objection. Let him
22 answer the question.

23 BY MS. ZUCKER:

24 Q. Yes.

25 A. I'd better get her home? No.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 223

1 Q. Okay. And by the way, I've asked
2 you if you reached out and called any of
3 these people. Did you text anyone?

4 A. I don't believe I did.

5 Q. Did you send an email?

6 A. No.

7 Q. Because there was that time --
8 you're telling me, it was your phone, where
9 you went out to your car and you were all
10 alone and you could have texted somebody.
11 You could have done a lot of different
12 things, right?

13 A. Who's up at midnight? I guess. I
14 don't know. I wish --

15 Q. You mean to tell me that you've
16 never texted any of your friends at midnight?

17 A. I'm not usually up at midnight,
18 but...

19 Q. Now, when you landed at town hall
20 and you did the emergency -- the code to get
21 you in, right, and you put Ms. Hall in your
22 office, right?

23 A. I didn't put her anywhere.

24 Q. Well, you ushered her in, didn't
25 you?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 230

1 physically were able to maintain an erection,
2 weren't you?

3 A. Not consistently, no.

4 Q. Okay. But sometimes?

5 A. Hit or miss.

6 Q. Okay.

7 A. It's unfortunate to get old, I
8 tell you.

9 Q. Okay. So that was 2015. 2018, it
10 was the same, right? Right?

11 A. Yeah.

12 Q. You still could sometimes get an
13 erection and climax, correct?

14 A. Yes.

15 Q. Okay. Without any medical
16 intervention, correct?

17 A. Hadn't really tried, but yeah, I
18 guess.

19 Q. Okay. Now -- so you wouldn't say
20 that it was impossible for you to get an
21 erection?

22 A. No.

23 Q. And you wouldn't say it was
24 impossible for you to climax, would you?

25 A. No.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 232

1 again?

2 Q. Do you sometimes look at
3 pornography and without the aid of
4 medication, find it possible to get an
5 erection and climax?

6 A. Yes.

7 Q. Okay. Did you ever look at
8 pornography while at work?

9 A. No.

10 Q. Did you ever look at it while on a
11 work trip?

12 A. No. Not -- no.

13 Q. Now --

14 A. I haven't had any work trips.

15 Q. Now, the challenges -- I think you
16 said earlier, "we were having problems,"
17 right, and that's what led you to get the
18 Cialis, right?

19 A. Yes.

20 Q. The "we" was sex with your wife,
21 right?

22 A. Yes.

23 Q. All right. And is it possible,
24 sir, that sex with somebody else would not --
25 would not have the same impediments?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 233

1 A. I wouldn't know.

2 Q. Well --

3 A. I've only been with my wife.

4 Q. Well, you've stared at pornography
5 and been able to get an erection and climax,
6 right?

7 A. Yeah.

8 Q. So the challenges were the
9 challenges of a long-term relationship that
10 had stopped being quite so exciting, correct?

11 MS. HALEM: Objection.

12 A. I still find my wife exciting.

13 BY MS. ZUCKER:

14 Q. But you need some medical
15 assistance --

16 A. Yes.

17 Q. -- with her that you don't always
18 when you're by yourself or staring at
19 pornography; is that fair?

20 MS. HALEM: Objection.

21 A. Yes.

22 BY MS. ZUCKER:

23 Q. Okay. So now when you -- have you
24 ever stared at women in a social setting and
25 found yourself with an erection?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 234

1 A. No.

2 Q. Okay.

3 MS. HALEM: Objection as to time
4 frame.

5 BY MS. ZUCKER:

6 Q. Now --

7 MS. ZUCKER: Thank you.

8 BY MS. ZUCKER:

9 Q. Now, in terms of your ability to
10 get an erection and climax, you were able to
11 do that staring at pornography without Cialis
12 in or around 2018; isn't that right?

13 A. Yes.

14 Q. And you were able to do that while
15 masturbating without Cialis; isn't that
16 right?

17 A. Yes.

18 Q. Okay. Now, you and Ms. Hall are
19 in your office.

20 Where did you keep the corkscrew
21 in your office?

22 A. There is a knife, could still be
23 there, in the top drawer that's a jackknife
24 with a couple of blades on it, and it's got a
25 corkscrew attachment.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 235

1 Q. Now, do you have a refrigerator in
2 your office?

3 A. I had a -- I had what most people
4 refer to as a college refrigerator --

5 Q. Okay.

6 A. -- water and, you know, my lunch
7 for the day.

8 Q. Okay. And you had a habit of
9 having alcohol in there, right?

10 A. No.

11 Q. You didn't?

12 A. No.

13 Q. Never did?

14 A. Never alcohol in there. I
15 received the bottle of wine in question as a
16 gift, I believe, maybe even that day. Marcy
17 had gone to Vermont, I think, over the
18 weekend and knows I like to have a Riesling
19 every once in a while. That bottle, I
20 believe, was warm on top of the refrigerator,
21 and I had, leaving the office that day, not
22 taken it.

23 Q. Okay. So then you're in there and
24 you pour not only Ms. Hall another drink but
25 yourself too?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 236

1 A. I think we were having Dixie cups.

2 Q. Okay. So both of you were having
3 some -- something to drink. You remember
4 that wine. The wine spilled. You don't
5 remember who spilled it?

6 A. Right.

7 Q. Okay. The light --

8 A. I remember pouring two; one
9 spilled.

10 Q. Okay. And you darkened the room,
11 didn't you?

12 A. I darkened the room?

13 Q. Well, the light wasn't on, right,
14 at some point?

15 A. I don't think so. I think the
16 light was on.

17 Q. Do you remember, really, one way
18 or the other?

19 A. No. I think the light was on.

20 Q. Okay. And at some point you
21 lowered your drawers, right?

22 A. At some point, she undid my belt
23 and unzipped my fly and pulled my pants
24 down.

25 Q. At that time -- so you say she

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 241

1 you never called any of your long-time
2 associates at city hall to say, holy-moly,
3 Deirdre Hall threatened my contract, did
4 you?

5 MS. HALEM: Objection.

6 A. No, I did not.

7 BY MS. ZUCKER:

8 Q. Okay. And you didn't, in fact,
9 tell anybody that the next day, did you?

10 A. No.

11 Q. You didn't say that for weeks, in
12 fact, did you?

13 A. Say what?

14 Q. That she had, quote, "threatened
15 your contract"?

16 A. I didn't talk to anybody about
17 that evening.

18 Q. Well, eventually you did, right?

19 A. Eventually.

20 Q. And you said it was just a blow
21 job and you wanted it all to go away, and
22 you'd like another year and then you'll
23 retire, right?

24 MS. HALEM: Objection.

25 A. No, that's not what -- there's

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 242

1 about three things that you're putting in
2 there, but no.

3 BY MS. ZUCKER:

4 Q. The first time you spoke
5 without -- with John Clifford, did you tell
6 him that she had threatened your contract?
7 Yes or no?

8 A. Yes.

9 Q. Huh. The first time you spoke
10 with Ed Kimball, did you tell him that she
11 had threatened your contract?

12 A. I believe I did. I think I told
13 them that she was the aggressor. She was the
14 predator. That she had threatened me.

15 Q. I've asked you a different
16 question.

17 Did you say she had threatened my
18 contract? Yes or no? Those words.

19 A. I believe I did.

20 Q. Okay. All right.

21 Now, back in the room -- so you're
22 standing over her and she gives you a blow
23 job, right?

24 A. Yes.

25 Q. Was it pleasurable?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 243

1 A. I didn't want to be there.

2 Q. Was it pleasurable? Did you
3 climax?

4 A. I climaxed.

5 Q. Okay. And what happened next,
6 after you climaxed?

7 A. She wanted me to pleasure her and
8 go orally on her. I did not want to. I made
9 a half-assed -- half-hearted, excuse me,
10 half-hearted couple of seconds and then tried
11 to stimulate her digitally.

12 Q. And what happened after that?

13 A. She didn't want me to stop. I
14 stayed at it.

15 Q. How long?

16 A. I don't remember exactly. You
17 know, we had talked for a while, but I know
18 we were in the office. I think the tape
19 says, like, 10 to 2:00, but we talked for
20 some of that time.

21 Q. Now --

22 A. It was too long.

23 Q. Okay. Now, at some point you get
24 up, right? And -- you had climaxed -- you
25 had a blow job, right?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 244

1 A. Yes.

2 Q. And it was successful, correct?

3 MS. HALEM: Objection.

4 A. I imagine -- do we have a climax?

5 We had a climax.

6 BY MS. ZUCKER:

7 Q. Okay. When you say "we" --

8 A. Well, she performed.

9 Q. Okay. And then what happened?

10 How did you get dressed again, sir? What did
11 you do?

12 A. I imagine I pulled up my pants --

13 Q. I'm not asking what you imagine.

14 I'm asking what you remember.

15 A. I don't remember specifically.

16 Q. Okay. So you don't remember. So

17 you could have walked out with your pants

18 down by your -- by your knees, as far as you

19 know --

20 A. We'll, you're asking -- well, I

21 obviously pulled them up when we came out the

22 door. They weren't down by my knees.

23 Q. Okay. So you did that, right?

24 A. Yes.

25 Q. You pulled your pants up; you put

1 the office. What happens next?

2 A. At some point, I -- we went to the
3 truck. I drove her to RB&G. She wanted to
4 get a little kissy-face, I guess, for lack of
5 a better term. I wanted to get out of there
6 and, you know, she went to her car and drove
7 home.

8 Q. Okay. Did you think of driving
9 her home?

10 A. I know you keep playing on that.
11 No, she was not impaired.

12 Q. Okay. So your view was that she
13 was distraught but not impaired?

14 A. Yes.

15 Q. Okay. Now -- now, at any time
16 during the evening did you commend her and
17 tell her she gives a good blow job?

18 A. I do not remember saying that to
19 her.

20 Q. Well, I'm not --

21 A. No.

22 Q. Are you sure that you did not say
23 that?

24 A. I didn't want to be there,
25 Counsel --


ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 12, 2021

Job 33185
Page 314

1 COMMONWEALTH OF MASSACHUSETTS

2 BARNSTABLE, SS.

3
4 I, Sandra A. Deschaine, Registered
5 Professional Reporter and Notary Public
6 within and for the Commonwealth of
7 Massachusetts at large, do hereby certify
8 that the deposition of Allan R. Chiocca, in
9 the matter of Allan Chiocca vs. Town of
10 Rockland, et al., at the offices Burns &
11 Levinson, 125 High Street, Boston,
12 Massachusetts, on July 12, 2021, taken and
13 transcribed by me; that the witness provided
14 satisfactory evidence of identification as
15 prescribed by Executive Order 455 (03-13)
16 issued by the Governor of the Commonwealth of
17 Massachusetts; that the transcript produced
18 by me is a true record of the proceedings to
19 the best of my ability; that I am neither
20 counsel for, related to, nor employed by any
21 of the parties to the action in which this
22 deposition was taken, and further that I am
23 not a relative or employee of any attorney or
24 counsel employed by the parties thereto, nor
25 financially or otherwise interested in the
outcome of the action, on this 19th day of
July 2021.


Sandra A. Deschaine

Registered Professional Reporter

My Commission Expires:
July 5, 2024

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3

4
5 ALLAN CHIOCCA,

6 Plaintiff

7 vs.

C.A. No. 1:19-CV-10482-WGY

8 THE TOWN OF ROCKLAND, DEIDRE HALL,
9 EDWARD KIMBALL, LARRY RYAN, MICHAEL
10 MULLEN, JR., MICHAEL O'LOUGHLIN,
RICHARD PENNEY AND KARA NYMAN,

11 Defendants
12 -----
13

14 DAY 2

15 VIDEOTAPED DEPOSITION OF ALLAN R. CHIOCCA

16 TUESDAY, JULY 13, 2021

17 10:20 a.m. - 4:56 p.m.

18 BURNS & LEVINSON LLP
19
20
21
22

23 Reported by: Sandra A. Deschaine, CSR, RPR,

24 CLR, CRA

25 Job No. 33186

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 346

1 A. Go ahead.

2 Q. Okay. So, sir, is that why you
3 have an alter ego where you -- where you sit
4 shirtless with drinks? Is that why you do
5 that?

6 MS. HALEM: Objection. What is --
7 what why?

8 A. I have no idea what relationship
9 that has to anything. I did review some of
10 those pictures from 2011, I believe, from our
11 Costa Rican trip with my family. I noticed
12 that you put a picture of me without a shirt
13 at a bar that's by the pool. You didn't
14 include the one -- same picture with my
15 daughter standing right next to me. I
16 noticed that.

17 You say pasties. They're
18 certainly not pasties. They're part of a
19 carnival at New Year's when there's a parade
20 going on down -- down the street in the town
21 of -- I believe it's Quepos, Q-u-e-p-o-s, I
22 believe, Costa Rica, when we were there
23 diving and doing -- you don't include
24 numerous pictures with my family.

25 Q. Sir -- sir --

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 387

1 lawyers on your behalf in this case, right?

2 A. Yes.

3 Q. And as part of the me-too
4 movement, didn't you understand that it was
5 necessary and appropriate for you to
6 understand how sexual harassment would be
7 reported in the town?

8 MR. SHAFRAN: Objection.

9 BY MR. COOPER:

10 Q. Talking about at town hall.

11 A. Yes.

12 Q. Okay. So prior to May 2018, did
13 you go back and read the Town of Rockland
14 personnel bylaw with the specific intent to
15 understand it because of the Me Too Movement?

16 Yes or no.

17 A. No, we had no cause to.

18 Q. Thank you. You've answered my
19 question.

20 A. Well, you asked for the truth --

21 Q. And I take it --

22 A. -- and the whole truth --

23 Q. I take it --

24 A. -- and I'm trying to tell you
25 that.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 394

1 personnel board at the Town of Rockland?

2 A. No.

3 Q. Now, that means that you, as the
4 town administrator, was responsible for the
5 administration of this bylaw, correct?

6 A. According to the bylaw, yes.

7 Q. Well, you knew that at the time,
8 didn't you?

9 A. No.

10 Q. Had you checked?

11 A. I don't believe I had.

12 Q. Did you care?

13 A. Of course, I would care if it was
14 pertinent to anything, if we had an issue.

15 Q. So if something came up about
16 sexual harassment in the workplace at town
17 hall, then you would care; is that right?

18 A. I think if something came up with
19 any of this personnel bylaw.

20 Q. Well, let me see if I can get you
21 to focus on my questions --

22 A. Sick leave, vacations, yes.

23 Q. Sir, I'm only asking you about
24 what I'm asking you about.

25 A. I apologize.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 395

1 Q. So if something came up in terms
2 of an issue of sexual harassment at town
3 hall, then you would care, correct?

4 A. Yes.

5 Q. And as part of caring, you would
6 consult this document, right?

7 A. Yes.

8 Q. And, in fact, you were obligated
9 to do so as part of your job
10 responsibilities, right?

11 A. Yes.

12 Q. Now, let's go to the third
13 paragraph on page 7 where it says "the town
14 administrator shall ensure."

15 Are you with me?

16 MR. SHAFRAN: Page 7, did you say?

17 MR. COOPER: I'm sorry. It's the
18 seventh physical page which I have in my
19 notes. It's got page 5. Stay on
20 page 5. My apologies.

21 BY MR. COOPER:

22 Q. The town administrator shall
23 ensure. Are you with me?

24 A. Yes.

25 Q. Shall means shall, right?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 398

1 was the goal of the Town of Rockland to
2 promote a workplace that was free of sexual
3 harassment?

4 A. Yes.

5 Q. And it was your job responsibility
6 to enforce that goal, correct?

7 A. Yes.

8 Q. Skipping down to the next
9 paragraph, did you also understand that
10 because Rockland takes allegations of sexual
11 harassment seriously, we will respond
12 promptly to complaints of sexual harassment.

13 It goes on, but I'm going to stop
14 there.

15 Have I read that portion of the
16 paragraph correctly?

17 A. Yes.

18 Q. And that was part of your
19 mandatory job responsibilities, to ensure
20 that would happen, correct?

21 A. Yes.

22 Q. And included in that, but not
23 limited to, is to respond promptly to
24 complaints of sexual harassment, right?

25 A. Yes.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 407

1 A. Yes.

2 Q. When did you do that?

3 A. The next morning.

4 Q. Where did you throw it out?

5 A. Probably right into the regular
6 trash.

7 Q. So you didn't regard it as
8 evidence of what had happened the evening
9 before?

10 A. No.

11 Q. You didn't think it was important
12 to save it?

13 A. I -- no.

14 Q. Would you agree with me that you
15 put that wine bottle beyond anyone's ability
16 to analyze in this lawsuit by throwing it
17 out?

18 A. Yes.

19 Q. In other words, you're familiar,
20 for example -- and I don't mean to be
21 dramatic about this, but one could have
22 analyzed how much wine was left in the bottle
23 if there was, indeed, wine in there, correct?

24 A. There had been -- yes, they could
25 have. There had been no complaint.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 408

1 Q. Someone could have taken
2 fingerprints to see who's touched the bottle,
3 right?

4 A. Yes.

5 Q. Did you think at all about the
6 fact that you had a complaint for sexual
7 harassment, according to you, before you
8 threw the wine bottle out?

9 A. No.

10 Q. Okay. Now, I think we've
11 established that there was no personnel board
12 and that you were the sexual harassment
13 officer to whom complaints of sexual
14 harassment were to be reported, right?

15 A. Yes.

16 Q. So if you weren't available to
17 promptly and thoroughly investigate a claim
18 of sexual harassment, who, in your mind, was
19 supposed to do it?

20 A. There was no claim of sexual
21 harassment. If it were not me and if it
22 were -- or in another situation, my first
23 call probably would have been to the
24 chairman --

25 Q. Mr. Kimball?

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 443

1 Mr. Clifford were there to investigate the
2 allegation, right?

3 A. Yes.

4 Q. And that was an appropriate use of
5 their job responsibilities, correct?

6 A. Yes.

7 Q. In fact, what they did was in
8 complete compliance with the Town of Rockland
9 personnel bylaws, correct?

10 Of course, you hadn't read them at
11 the time, right?

12 A. Well, I didn't recall them. I do
13 think Ed has a conflict.

14 Q. Let's address that.

15 A. Okay.

16 Q. On May 1st of 2018, Deirdre Hall
17 told you that she had had an affair with Ed
18 Kimball, correct?

19 A. Yes.

20 Q. And you knew from that moment
21 forward, and we'll get into some specifics
22 later, that, in fact, at least one person had
23 told you that there had been a romantic
24 relationship, including a sexual
25 relationship, and that Mr. Kimball had broken

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 451

1 A. I don't think I produced them, is
2 what I'm telling you.

3 Q. Okay. Well, let's make the record
4 very clear. Can you mark these as the next
5 two exhibits in order?

6 (Exhibit 8, Memo: Attention Cindy Cieslak,
7 marked for identification.)

8 (Exhibit 9, Bates No. AC02428, Bills, marked
9 for identification.)

10 MS. HALEM: Are they one exhibit?

11 MR. COOPER: Nope.

12 BY MR. COOPER:

13 Q. Handing you what's been marked as
14 Exhibit 8, which is a two-page document, and
15 Exhibit 9, which is a one-page document.

16 Would you agree with me that, in
17 combination, those are copies of the two
18 bills or tabs that you testified to
19 yesterday?

20 A. Yes.

21 Q. And let's take a look at Exhibit 8
22 first. Is that your signature on the credit
23 card receipt?

24 A. I tend to scribble. Yes.

25 Q. And it says that that credit card

1 charge was printed as of 9:47 p.m. by a
2 server who's identified as two bartender p.m.
3 and an order 43612.

4 Do you see that?

5 A. Yes.

6 Q. And if you look over to the right,
7 it says four Michelob Ultra bottles, right?

8 A. Yes.

9 Q. And you drank those four bottles,
10 right?

11 A. Yes.

12 Q. And then it says four glass house
13 riesling?

14 A. Riesling.

15 Q. Riesling, which is a wine,
16 correct?

17 A. Yes.

18 Q. And those were consumed by
19 Ms. Hall, right?

20 A. Yes.

21 Q. And you paid for her drinks?

22 A. Yes.

23 Q. And there wasn't anyone else there
24 whose drinks you paid for, correct?

25 A. I don't believe so, no.

1 Q. Okay. So when you told us
2 yesterday that you had picked up the tab for
3 everybody, did you mean to suggest that
4 anyone had been with you other than Ms. Hall?

5 A. No. When I was talking about
6 picking up the tab, that was -- on this
7 particular one, this was just me and
8 Ms. Hall. I would say for everybody on
9 occasion, with the selectmen there, there
10 would be more everybodies.

11 Q. But not that evening?

12 A. No.

13 Q. So if you look at the right-hand
14 column of Exhibit 8, do you see that it says
15 "5/1/18, 7:51 p.m."?

16 A. Yes.

17 Q. Would you agree with me that's
18 when your tab was opened?

19 A. Yes.

20 Q. And then, if we go back to the
21 left-hand column, it says 9:47 p.m., right?

22 A. Yes.

23 Q. And would you agree with me that
24 that's when your first tab was closed?

25 A. Yes.

1 Q. And I take it -- again, this is
2 probably another stupid question because it's
3 obvious, but no one ordered any food during
4 that time period, correct?

5 A. No. It appears we were leaving.

6 Q. So you're agreeing with me, what
7 this reflects is that at some period of time
8 between 7:51 p.m. and 9:47 p.m., you were
9 served four bottles of beer and Ms. Hall was
10 served four glasses of wine?

11 A. Yes.

12 Q. And that you observed her drinking
13 them, right?

14 A. Yes.

15 Q. And no one -- I shouldn't say no
16 one. Neither of you was eating any food,
17 right?

18 A. Yes.

19 Q. So would you also agree with me,
20 and let's round up, that the time period
21 reflected here is about two hours?

22 A. Yes.

23 Q. Do you know how many glasses are
24 in a bottle of wine?

25 A. No.

1 Q. Do you have any information about
2 that at all?

3 A. Depends how big a glass you use, I
4 guess.

5 Q. All right. So what was the pour
6 at the Rockland Bar & Grill at the time, if
7 you can remember? Was it 12 ounce? 16
8 ounce?

9 A. I didn't drink the wines.

10 Q. Did you make any observation about
11 the pour that Ms. Hall was given?

12 A. I don't drink wine, no.

13 Q. That's not my question. My
14 question is, did you make any observation
15 about the amount of wine that was being
16 poured into Ms. Hall's glass or arrived
17 poured in her glass --

18 THE REPORTER: Or what?

19 BY MR. COOPER:

20 Q. Or arrived having been poured in
21 her glass at all, that you can recall?

22 A. No.

23 Q. Now let's take a look at
24 Exhibit 9. Starting with the left-hand
25 column -- this was a tab -- this is your

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 456

1 signature, correct?

2 A. Yes.

3 Q. And this was a tab that was opened
4 at 9:56 p.m., correct?

5 A. Yes.

6 Q. And closed at 10:59 p.m., right?

7 A. Yes.

8 Q. And so that means that there was
9 at least a nine-minute conversation between
10 the tabs being -- excuse me -- nine-minute
11 period of time between your first tab being
12 closed and your second one being opened,
13 right?

14 A. Yes.

15 Q. Now, this reflects, as you said
16 yesterday, ordering some food, and I'm now
17 talking about Exhibit 9, right?

18 A. We're on 9?

19 Q. Yes, sir. It reflects the chicken
20 wings and the skewer, right?

21 A. Yes.

22 Q. And it also reflects that you
23 bought and paid for Ms. Hall to have another
24 glass of wine, right?

25 A. Yes.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 457

1 Q. And for yourself to have another
2 beer, right?

3 A. Yes.

4 Q. Now, you told us yesterday, I
5 think it was in the morning, that after your
6 experience being arrested for drunk driving
7 in 2011, it was your view that four Ultras
8 would not put you over the legal limit, and
9 that that was a red line for you. My words,
10 not yours. Right?

11 A. Yes.

12 Q. So you made the decision to open
13 your tab and cross your red line, right?

14 A. Yes.

15 MR. SHAFRAN: Objection.

16 BY MR. COOPER:

17 Q. And to drink that fifth beer,
18 right?

19 A. Yes.

20 Q. And to have -- and to pay for
21 Ms. Hall to have another glass of wine,
22 right?

23 A. Yes.

24 Q. Now, I want you to assume with me
25 that a typical pour of a glass of wine in a

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 471

1 Q. Would it be a sign of someone
2 being weepy and distraught?

3 MR. SHAFRAN: Objection.

4 A. A sign -- would it --
5 BY MR. COOPER:

6 Q. Of being intoxicated.

7 A. Because they're weepy and
8 distraught?

9 Q. Yes, sir.

10 A. They could be weepy and
11 distraught. I don't -- no.

12 Q. Well, you have said a number of
13 times that you observed Ms. Hall on that
14 evening and in that early morning time
15 period, May 1st, May 2nd, 2018, to be
16 distraught, right?

17 A. She was upset about being found
18 out of having the affair with Mr. Kimball.

19 Q. The word you used multiple times
20 yesterday was distraught.

21 A. Yes, I did. I said distraught.

22 Q. Was she crying?

23 A. I don't recall her crying.

24 Q. Was she teary?

25 A. I don't recall her teary.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 331 86
Page 506

1 Q. Would it refresh your memory if I
2 suggested that the incident involved Eric
3 allegedly making a crude sexual comment in
4 the presence of a female town employee?

5 A. No.

6 Q. Okay. So you just have no memory
7 of something like that ever happening?

8 A. No.

9 Q. Was there ever, during your
10 tenure, prior to May 1, 2018, a complaint of
11 sexual harassment in the Town of Rockland
12 that came to your attention?

13 A. No.

14 Q. Did you ever form an
15 understanding -- let me say it differently.

16 Did you ever form a concern in
17 your mind regarding Eric Hart's conduct
18 towards females?

19 A. I had -- there was one employee
20 who Eric started to, I believe, date or was
21 seen out to dinner or lunch, et cetera, and I
22 had some concerns, and that employee had
23 expressed to me no concern.

24 Q. What were your concerns?

25 A. It's just that it was someone

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 551

1 (Exhibit 19, Bates No. AC01020, email from
2 Jack Sullivan, dated 7/12/18, marked for
3 identification.)

4 BY MR. COOPER:

5 Q. Showing you what the reporter has
6 marked as Exhibit 19.

7 Have you seen this document
8 before?

9 A. I don't believe I have.

10 Q. This document purports to be an
11 email from a Mr. Jack Sullivan at
12 Commonwealth Magazine to Mr. Shafran, which
13 read, "Hi Counsel, I'm Jack Sullivan with
14 Commonwealth Magazine. I see the Ledger says
15 you gave them a copy of the investigation
16 report. I'm wondering if you could send a
17 copy to us as well. Thank you. Jack
18 Sullivan."

19 Have I read that correctly?

20 A. I believe so.

21 Q. Now, did you authorize Mr. Shafran
22 to give a copy of Regina Ryan's investigative
23 report to the Patriot Ledger?

24 A. I authored the release of the
25 report --

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 552

1 THE REPORTER: Through? Did you
2 say through my attorney?

3 THE WITNESS: Yes.

4 BY MR. COOPER:

5 Q. Just so it's clear, in terms of
6 the publication of the information in that
7 report, you put it out there in the media,
8 correct?

9 MR. SHAFRAN: Are you asking
10 physically?

11 MR. COOPER: I stand on my
12 question.

13 MR. SHAFRAN: You can answer, if
14 you understand.

15 A. I did not put it out in the media.
16 Through my attorney it was released to the
17 media.

18 BY MR. COOPER:

19 Q. At your direction?

20 A. I don't know if it was at my
21 direction, but with my approval.

22 Q. Well, who made -- so it wasn't
23 your idea?

24 A. I was taking advice, should you or
25 should you not do this, should you do this,

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 553

1 should you do that.

2 Q. My question is very simple.

3 A. My answer was.

4 Q. Your team --

5 A. Yes.

6 Q. -- put the content of Regina
7 Ryan's report into the public domain through
8 the media, correct?

9 A. Yes.

10 Q. It's not something Mr. Kimball
11 did, did he?

12 A. The contents of Regina Ryan, no.

13 Q. It's not something Ms. Hall did?

14 A. No.

15 Q. Correct?

16 A. Correct.

17 Q. It's something that you
18 voluntarily authorized to be put out there,
19 correct?

20 A. Yes.

21 Q. And you'd agree with me that the
22 report was widely reported on in the media,
23 correct?

24 A. Yes.

25 Q. And it caused a sensational story,

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 584

1 and 32 seconds p.m. and hit play.

2 (Playing video.)

3 MR. COOPER: Stop.

4 And we're stopping at 11:45 and 43
5 seconds p.m.

6 BY MR. COOPER:

7 Q. It's your testimony that Ms. Hall
8 stumbled because of something having to do
9 with her heel?

10 A. I would have no idea why she
11 stumbled, but it looks as though she had a
12 slight gait problem.

13 Q. Okay. Did you observe Ms. Hall
14 walking in that manner on the evening of
15 May 1, 2018, or early morning hours of May 2,
16 2018?

17 A. No.

18 Q. But you do agree that you just
19 watched her stumble, correct?

20 A. Yes. Not stumble or fall, but
21 yeah, twist --

22 Q. Okay. So you used the word
23 "stumble" and now you just said "not
24 stumble."

25 A. Well, she didn't fall down, to be

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 585

1 clear. I apologize, Counsel. Stumbled. I
2 don't want to leave the wrong connotation,
3 but everyone will see the film.

4 Q. You just saw her stumble, right?

5 A. There was an unsteady to her gait.

6 Q. So you observed an unsteady gait
7 and a stumble; is that fair?

8 A. Yes.

9 MR. COOPER: And could we roll
10 forward, please? Just hit play while I
11 get to my notes.

12 Could you fast forward, please, to
13 11:51 and no seconds?

14 Stop.

15 Go back. I'm sorry. I'm -- I am
16 misreading my own notes.

17 Why don't you just play there.
18 (Playing video.)

19 MS. CIESLAK: Mr. Cooper, for the
20 record, can you identify where you're
21 hitting play from?

22 MR. COOPER: Yes. We are started
23 about 11:50 and, I don't know, 10
24 seconds, approximately.

25 MS. CIESLAK: Thank you.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 587

1 Q. Your testimony is that you don't
2 see her swaying at all?

3 A. I don't see the swaying. I see
4 her standing.

5 Q. Okay. Let's go back. Let's give
6 you a second shot.

7 MR. COOPER: Go back a little
8 more.

9 (Playing video.)

10 MR. COOPER: Stop. Now hit play.

11 (Playing video.)

12 MR. COOPER: Okay. Stop.

13 BY MR. COOPER:

14 Q. Is it your testimony that Ms. Hall
15 was not swaying?

16 A. Yeah, she looks like she's
17 standing, just waiting for me to come out.

18 Q. I just want to understand what
19 you --

20 A. Yes.

21 Q. -- think you're seeing.

22 When you walked out, what did you
23 do with your right hand?

24 A. Touched her shoulder. I was
25 walking out the door, I touched her shoulder,

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 589

1 Q. Okay. Now you have your hand on
2 her back again, right?

3 A. Yeah, we're going down the stairs.
4 I hope.

5 Q. Now you're standing at the top of
6 the stairs at 11:51 and 40 seconds, correct?

7 A. Yes.

8 Q. Now, the two of you are talking,
9 right?

10 A. Yes.

11 Q. And you're not shaking your head
12 no, are you? Are you?

13 A. It's a long way away. It does not
14 look like I am.

15 (Playing video.)

16 Q. Are you leaning against the top
17 railing?

18 A. I think we both are, yes.

19 (Playing video.)

20 Q. Would you agree that Ms. Hall has
21 her head hung down?

22 A. At that moment, yes.

23 MR. COOPER: Okay. Go back. Go
24 back. Sorry. Just a few seconds.

25 A little more.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 590

1 Stop. Now hit play.

2 MS. DUNN: 11:55:42.

3 BY MR. COOPER:

4 Q. See right there. Ms. Hall has her
5 head hung down, and what do you do? You put
6 your hand on her, right?

7 MR. SHAFRAN: Objection.

8 BY MR. COOPER:

9 Q. You placed your right hand on her
10 left shoulder, correct?

11 A. It appears as though I did, yes.

12 Q. She was sad, wasn't she?

13 A. She was sad?

14 Q. Are you saying she wasn't? She
15 wasn't crying?

16 A. She was not crying there. My
17 recollection --

18 Q. Was she crying at any point in
19 time?

20 A. -- and I was -- no. I do not
21 remember her crying.

22 Q. Why did you put your hand on her
23 shoulder?

24 MR. SHAFRAN: Objection.

25 BY MR. COOPER:

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 591

1 Q. Now we're at 11:58 and 50 seconds.

2 A. And coming back.

3 Q. And coming back. Okay.

4 Do you see Ms. Hall swaying and
5 staggering?

6 A. I do -- well, here it looks like
7 she, again, has a gait issue, but my back was
8 to her.

9 Q. Let's go back.

10 So as you sit here today, you have
11 no trouble seeing that she has a gait issue
12 in her walking, correct?

13 A. What is she, 6-foot-2 in heels?
14 Yeah. Okay. I've seen her have that problem
15 during regular meetings. But yes.

16 Q. As you sit here --

17 MR. COOPER: Stop. Stop. I want
18 to get the exact time frame that we're
19 showing Mr. Chiocca.

20 11:58 and 53 seconds p.m.

21 MR. COOPER: Hit play, please, and
22 I'll tell you when to stop.

23 (Playing video.)

24 MR. COOPER: Stop.

25 Through 11:59 and 13 seconds p.m.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 592

1 BY MR. COOPER:

2 Q. We've just looked at that footage,
3 correct?

4 A. Yes.

5 Q. And did you see -- what did you
6 observe?

7 A. On that video, she, again -- she
8 walked across and appeared to have a bit of a
9 gait issue.

10 Q. In multiple steps, correct?

11 At one point, it looks like she's
12 going over, right?

13 A. I didn't think so.

14 Q. All right. Is it your testimony
15 under oath that you never observed Ms. Hall
16 walking like we just saw her walking on the
17 evening of May 1st and early morning hours of
18 May 2nd? Yes or no?

19 A. Yes.

20 Q. You never saw her walk that way?

21 A. I did not. On that evening I did
22 not notice a gait issue.

23 Q. But you have no trouble noticing
24 it today; is that fair?

25 A. That's fair.

ALLAN CHIOCCA vs TOWN OF ROCKLAND
Allan Chiocca July 13, 2021

Job 33186
Page 609

1 COMMONWEALTH OF MASSACHUSETTS

2 BARNSTABLE, SS.

3
4 I, Sandra A. Deschaine, Registered
5 Professional Reporter and Notary Public
6 within and for the Commonwealth of
7 Massachusetts at large, do hereby certify
8 that the deposition of Allan R. Chiocca, Day
9 2, in the matter of Allan Chiocca vs. Town of
10 Rockland, et al., at the offices Burns &
11 Levinson, 125 High Street, Boston,
12 Massachusetts, on July 13, 2021, taken and
13 transcribed by me; that the witness provided
14 satisfactory evidence of identification as
15 prescribed by Executive Order 455 (03-13)
16 issued by the Governor of the Commonwealth of
17 Massachusetts; that the transcript produced
18 by me is a true record of the proceedings to
19 the best of my ability; that I am neither
20 counsel for, related to, nor employed by any
21 of the parties to the action in which this
22 deposition was taken, and further that I am
23 not a relative or employee of any attorney or
24 counsel employed by the parties thereto, nor
25 financially or otherwise interested in the
outcome of the action, on this 19th day of
July 2021.


Sandra A. Deschaine

Registered Professional Reporter

My Commission Expires:
July 5, 2024